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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,705	04/20/2007	Seiichiro Takai	JG-SU-5243/500577.20087	8982
42109	7590	10/13/2010		
DUANE MORRIS LLP - NY PATENT DEPARTMENT 1540 BROADWAY NEW YORK, NY 10036-4086			EXAMINER CHAUDRY, ATIF H	
			ART UNIT 3753	PAPER NUMBER
			MAIL DATE 10/13/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/583,705

**Applicant(s)**

TAKAI, SEIICHIRO

**Examiner**

ATIF H. CHAUDRY

**Art Unit**

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 July 2010.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5-10 and 12 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 8-10 and 12 is/are allowed.  
6) ☒ Claim(s) 5 is/are rejected.  
7) ☒ Claim(s) 6 and 7 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 21 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB-06)  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_  
Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

**Status of the claims**

Applicant's amendment as filed on 07/26/2010 has been entered. The amendment cancelled claim 11 and amended claims 5-10, 12. Currently claims 5-10 and 12 are pending in this application.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Takai (6382237).

3. Takai (Fig. 1) discloses an underground water storage tank configured to be buried underground and to be capable of storing water such that the underground water storage tank comprises an internal storage sub-tank 11 comprising water bearing materials 12 coated with a first water-impermeable sheet 13, an outer water storage compartment defined by the first sheet 13 and a second water-impermeable sheet 19 and provided by coating second water bearing materials 43 disposed around the internal water storage sub-tank 11 with the second sheet 19 Takai discloses intake pipes 21, 42 penetrating through the first sheet 13 having non-return valve 31.

***Allowable Subject Matter***

4. Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 8-10, 12 are allowed.

5. Regarding claims 6, the prior art fails to disclose an underground water storage tank comprising: an internal water storage sub-tank provided by coating an assembly of water-bearing materials obtained by combining multiple water-bearing materials with one another with a first water-impermeable sheet; soil pressure absorption plates provided outside the internal water storage sub-tank; and a second water-impermeable sheet for coating the soil pressure absorption plates and wherein vertical pipes coupled by coupling pipes are embedded in soil absorption plates and check valves for intake pipes to the internal sub-tank are provided in the vertical pipes.

6. Regarding claim 7, the prior art fails to disclose an underground water storage tank comprising: an internal water storage sub-tank provided by coating an assembly of water-bearing materials obtained by combining multiple water-bearing materials with one another with a first water-impermeable sheet; soil pressure absorption plates provided outside the internal water storage sub-tank; and a second water-impermeable sheet for coating the soil pressure absorption plates; first intake pipes with check valves connecting the two sub-tanks, second intake pipes with check valves for connecting the outer sub-tank to outside the tank assembly having a perforated tube with a plurality of holes.

7. Regarding claim 8, the prior art fails to disclose an underground water storage tank comprising: an internal water storage sub-tank provided by coating first water-bearing materials with a first water-impermeable sheet; second water bearing material provided outside the internal water storage sub-tank; and a second water-impermeable sheet for coating the second water bearing material; and a supply pipe having a higher end connected to the lower portion of outer tank such that a lower end of the supply pipe is connected to a management liquid measure for supplying water to the outer storage tank.

***Response to Arguments***

8. Applicant's arguments filed 07/26/2010 regarding claim 5 have been fully considered but they are not persuasive. In amending claim 5, the Applicant deleted the limitations due to which the claim was indicated allowable.

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ATIF H. CHAUDRY whose telephone number is (571)270-3768. The examiner can normally be reached on Mon-Fri 8-5 Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hepperle can be reached on (571)272-4913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Atif H Chaudry/  
Examiner, Art Unit 3753

/John Rivell/  
Primary Examiner, Art Unit 3753

10/8/2010